

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
DELTA DIVISION

REGINALD DUNAHUE  
ADC #106911

PLAINTIFF

v.

No. 2:18-cv-103-DPM

WENDY KELLEY, Director, Arkansas  
Department of Correction; MARSHALL  
D. REED, Chief Deputy, Arkansas Department  
of Correction; JEREMY C. ANDREWS, Warden,  
EARU, ADC; JAMES DYCUS, Deputy Warden,  
EARU, ADC; DAVID KNOTT, Major, EARU,  
ADC; and STEPHANIE PALMER, Sergeant,  
East Arkansas Maximum Security Unit, ADC

DEFENDANTS

ORDER

1. The Court appreciates the parties' additional briefing. Dunahue seems to have abandoned any claim about the cold temperatures in the isolation unit. *Doc. 228 at 2 & 5; Doc. 231 at 4; compare Doc. 233 at 2.* He is of course free to do so. Out of an abundance of caution, though, the Court will address the pending motions about that claim.

2. The motion for partial summary judgment is granted as modified. Dunahue failed to exhaust his administrative remedies as to Kelley, Reed, Knott, and Palmer.

3. The motion for judgment on the pleadings is granted as modified. The Court construes this motion as one to dismiss. In his second amended complaint, Dunahue hasn't alleged how Andrews and Dycus were involved with the cold temperatures in the isolation unit. *Doc. 7 at 8*. He has failed to state a temperature claim against them.

4. Dunahue's motion for relief is denied. There is no sufficient basis or reason to revive Dunahue's due process, equal protection, conditions of confinement, or retaliation claims.

\* \* \*

Motion for partial summary judgment, *Doc. 225*, granted as modified. Motion for judgment on the pleadings, *Doc. 223*, granted as modified. Motion for relief, *Doc. 228*, denied.

So Ordered.

W.P. Marshall Jr.  
D.P. Marshall Jr.  
United States District Judge

5 July 2023